

02280.003720.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

EDWARD L. RAPP ET AL.

Application No.: 10/615,249

Filed: July 8, 2003

For: TASTING ENERGY BAR
(As Amended)

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) Examiner: H. F. Pratt
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) Group Art Unit: 1761
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:
) April 1, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, Mars Incorporated, a corporation duly organized under the laws of Delaware, having a principal office at McLean, Virginia, and duly represented by the undersigned, represents that it is the assignee of the full title and interest in and to the above-identified Application No. 10/615,249, filed July 8, 2003, as evidenced by the Assignment recorded on January 21, 2004 at Reel 014911, Frame 0161.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of any patent issuing from Application No. 10/271,710, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from Application No. 10/271,710, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any


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patent issuing from Application No. 10/271,710, as presently shortened by any terminal disclaimer, in the event that subsequent hereto any patent issuing from Application No. 10/271,710, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The fee for the Terminal Disclaimer pursuant to 37 C.F.R. § 1.20(d) is enclosed herewith.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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